

## **BULLETIN CHILD NUTRITION PROGRAMS**

**NSLP 7-09**

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**SUBJECT: Exemptions Under the Competitive Services Regulation**

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This is to inform you of recent changes to the list of exemptions under the Competitive Food Services Regulation. Fourteen new products have been added to the list of exemptions under the competitive Food Services Regulation and thirteen previously exempted products have been reformulated.

Albanese Confectionary Group, Inc has added A+ Gummies and Brookside Fruit Company has added X-Treme Fruit bites Strawberry Blast to the list of products exempted from the jellies and gums category of "foods of minimal nutritional value" as defined in 7 CFR Part 210.11(a)(2) and Part 220.2 (i-l).

Talking Rain has added Sparkling Ice beverages in Strawberry Kiwi and Pink Grapefruit; Envy Foods has added sparkling 100% fruit juice beverages in Acai Berry, Tropical Mango, Fruit Punch, Strawberry Kiwi and Apple; Ardea Beverage Company has added Nutrisoda Vision; IZZE Beverage Company has added Sparkling Pomegranate; Nine Iron Beverage Company, LLC has added 9 Iron sport hydration drink; and 4U2U Brands has added Fruit 66 Orange Tangerine and Apple Berry to the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

General Mills has reformulated Special Edition Scooby Doo™ and Sunkist™ Fruit Flavored Snacks and Betty Crocker® Special Edition Fruit Gushers® in Watermelon Blast® and Strawberry flavor. The Switch Beverage Company has reformulated their Watermelon Strawberry and Orange Tangerine 100% carbonated juice beverages; Talking Rain has reformulated their Sparkling Ice Black Raspberry; IZZE Beverage Company has reformulated their Sparkling Blackberry, Sparkling Clementine, Sparkling Grapefruit and Sparkling Apple; and 4U2U Brands has reformulated their Fruit 66 carbonated beverages in Kiwi Strawberry Blast and Fruit Punch.

The exemption of the products listed above means that they are no longer considered foods of minimal nutritional value and can therefore be sold in competition to the reimbursable meal during the meal period in a school food service area. Exempted products do not fit the typical and customary function of meal components for the food-based menu planning option and

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should not be served as part of the reimbursable meal. This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement to State agencies and school food authorities concerning their possible purchase.

It is important to note that some of these products are manufactured outside of the United States. The exemption of these products does not exclude them from the Buy American Provision.

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and are therefore still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

The ingredient statement of each exempted food is included in the attached exemption list. This should allow schools to differentiate between exempted products and similar non-exempted products.